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Attorneys for Defendant
CHATTEM, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KATHERINE KESTERSON, Individually
and as Special Administrator and Heir to the
Estate of SCOTT KESTERSON, Deceased;
and KATHERINE KESTERSON, as Parent
and Legal Guardian for minors, C.K and
H.K., Individually and as Heirs to the Estate
of SCOTT KESTERSON, Deceased,,

Plaintiffs,

vs.

BARRETT'S MINERALS, INC; CHATTEM,
INC; (sued individually and as successor-in-
interest to BLOCK DRUG CORPORATION,
successor-in-interest to THE GOLD BOND
STERILIZING POWDER COMPANY);
a/k/a THE GOLD BOND COMPANY; PTI
UNION, LLC a/k/a PHARMA TECH
INDUSTRIES; SPECIALTY MINERALS
INC. (sued individually and as a subsidiary of
MINERALS TECHNOLOGIES INC.) and
DOES 1-450

Defendants.

CASE NO.: 2:21-cv-01179-CDS-EJY

**STIPULATION TO AMEND THE
SCHEDULING ORDER**

Complaint Filed: May 19, 2021

The Parties, having conferred, hereby stipulate and move this Court for an Order extending the pending deadlines for sixty (60) days. In support of this Stipulation to Amend the Scheduling Order, the Parties state that there is good cause for this continuance as there remains limited fact discovery to be completed that has taken longer than anticipated given the complex nature of the litigation, multiple fact depositions to be completed,

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1 complexity of expert discovery, time needed for the gathering of employment, medical, social
2 security, pathology and other records. Further, originally, the parties suffered extended delays
3 due to the Shelter-In-Place orders as a result of the COVID-19 pandemic. Said orders rendered
4 it difficult for counsel to prepare for and take the necessary depositions of witnesses that reside
5 out of state. Since then, the parties have completed the majority of fact discovery, with only
6 one or two witness/non-expert depositions remaining.

7 In accordance with Local Rule 26-3, the following discovery has been completed: 1)
8 The parties have exchanged initial disclosures; 2) the parties have engaged in written
9 discovery, including document production and review; 3) Plaintiffs provided medical
10 authorizations, records and pathology material to defendants for review; 4) The Parties have
11 engaged in fact witness depositions, including of Scott Kesterson (now deceased) and
12 corporate representatives;

13 The following fact discovery remains to be to completed : 1) Depositions of two fact
14 witnesses that reside out of state; 2) Further review of Decedent Scott Kesterson's updated
15 medical records, exposure information and pathology materials which date back several
16 decades. These depositions and record review need to be completed before the parties' experts
17 can move forward with their review and complete their opinions. Further, the Parties have
18 been coordinating discovery in this case with a related action pending in United States District
19 Court, Central District of California under case number 2:20-cv-03555, to avoid duplicative
20 depositions and streamline the cases.

21 The Parties anticipate needing a continuance of the current deadlines by sixty (60) days
22 to complete discovery. The parties do not anticipate a further continuance. Both Plaintiffs and
23 Defendants will continue to work diligently to accomplish and complete the necessary
24 depositions needed to bring this case to resolution with minimal burden on the Court. The
25 Parties believe there is good cause to move these deadlines, and do not make this motion for
26 the purposes of delay.

27 A proposed Amended Scheduling Order consistent with the below is filed concurrently
28 herewith.

Event	Current Deadline/Hearing	Proposed New Deadline
Expert Disclosure with Reports	June 6, 2022	August 5, 2022
Expert Rebuttal Disclosure	June 20, 2022	August 19, 2022
Fact and Expert Discovery Cutoff	July 15, 2022	September 16, 2022
Last day to file Dispositive Motions	August 15, 2022	October 14, 2022
Deadline to File Joint Pretrial Order	September 15, 2022	November 18, 2022

DATED 7th day of June 2022.

DATED this 7th day of June 2022.

**GORDON REES SCULLY
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SIMON GREENSTONE

/s/ James E. Cavanaugh
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Attorneys for Plaintiff,
KATHERINE KESTERSON

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1 DATED this 7th day of June 2022.

2 **ALVERSON TAYLOR & SANDERS**

3 /s/ Omar Nagy

4 OMAR NAGY, ESQ.

5 Nevada Bar No. 15293

6 6605 Grand Montecito Parkway, Ste. 200

7 Las Vegas, NV 89149

8 *Attorneys for Defendant,*

9 **BARRETT'S MINERALS, INC.**

10 **SPECIALTY MINERALS, INC.**

11 **IT IS SO ORDERED**

12 
13 **UNITED STATES MAGISTRATE JUDGE**

14 **DATED:** June 8, 2022
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